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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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JUL 12 1989

Federal Communications Commission
Office of the Secretary

In re Petition of
WISCONSIN VOICE OF CHRISTIAN
YOUTH, INC.,
Suring, Wisconsin

For Amendment of § 73.606
TV Table of Allotments
to Delete Channel 14 from
Suring, Wisconsin and to
Add Channel 14 at Appleton,
Wisconsin

RM -

MM Docket

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AUG 2 1989

Federal Communications Commission
Office of the Secretary

To: The Allocations Branch

PETITION FOR RULEMAKING

Wisconsin Voice of Christian Youth, Inc. ("WVCY"), licensee of Television Station WSCO, Channel 14, Suring, Wisconsin, by its attorneys and pursuant to Section 1.401 of the Commission's rules, hereby petitions for rulemaking to amend the Television Table of Allotments (Section 73.606 of the Commission's rules) to change the community of license of Channel 14 from Suring, Wisconsin to Appleton, Wisconsin, and to modify the station license accordingly. This petition is submitted pursuant to the Commission's Report and Order in MM Docket 88-526, FCC 89-128, released June 15, 1989 ("Report and Order"), which amended Section 1.420 of the Commission's rules so as to allow a licensee to seek an amendment of the Table of Allotments without placing its existing authorization at risk.¹

¹ The effective date of the new rule, which will be
(continued...)

The Commission's recent action was designed, in part, to facilitate improvements to a station's technical facilities that require a change in community of license. Under the new procedure, a change in community of license would be approved only if the new allotment is mutually exclusive with the existing allotment, if the allotment change would not deprive a community of its sole broadcasting station, and if the allotment to the new community would serve the Commission's allotment priorities better than maintaining the allotment to the old community. See Report and Order, supra, at 4-5.

In the present case, the proposed amendment to the table of allotments meets the Commission's criteria. The proposed change to Appleton is mutually exclusive with the station's existing allotment to Suring. See Engineering Exhibit of Ralph E. Evans, P.E., attached hereto as Exhibit A. Suring is also the community of license of WRVM(FM); therefore, Suring would not be deprived of its only broadcasting station by the move. Finally, the allotment of Channel 14 to Appleton would further the allotment priority of providing each community with two television stations, while helping to ensure the continued viability of WSCO.²

¹(...continued)
found at 47 CFR § 1.420(i), is July 31, 1989. See Report and Order, supra, at ¶ 39.

² The television allotment priorities, which were not changed by the Commission's recent action, are:

(continued...)

The move is required because, as detailed more fully below, Suring, with a population of 581, has proven unable to support a full-service television station. Appleton, by contrast, has a population of 56,780. Additionally, the proposed change in community of license will allow the station to upgrade its facilities significantly, thereby providing television service to more than twice as many people as can be served from the station's present site. See Exhibit A at 2.

When WSCO first began broadcasting in 1984, the station was receiving less than \$4,000 in income per month, while incurring expenses in excess of \$20,000 per month. WVCY

²(...continued)

- (1) to provide at least one TV service to all parts of the United States;
- (2) to provide each community with at least one TV broadcast station;
- (3) to provide a choice of at least two television services to all parts of the United States;
- (4) to provide each community with at least two TV stations; and
- (5) to assign any remaining channels to communities based on population, geographic location and the number of television services available to the community from stations located in other communities.

Sixth Report and Order, 41 FCC 148, 167 (1952); see also Report and Order, supra, n.8.

Currently, Channel 32 is allotted to Appleton. See 47 CFR § 73.606(b). The station is licensed to Appleton Midwestern TV Ltd. See 1989 Broadcasting Yearbook at C-67.

acquired the station in 1987 and found that, even after cutting expenses significantly and engaging in extensive promotional and fundraising activities, it was unable to meet the station's financial needs.

In July, 1987, the station's transmitter failed. Due to the age of the transmitter, WVCY was unable to obtain replacement parts and was required to replace the entire transmitter.³ Present income is not sufficient to meet current expenses or repay existing debt. Accordingly, the licensee is seeking this change in community of license in order to make the station a viable concern.

As detailed more fully in the attached engineering exhibit of Ralph E. Evans, P.E., the proposed change would result in a loss of WSCO service to fewer than 19,000 people, while providing service to more than 660,000 people -- 385,000 more than can be served from the station's present site. See Exhibit A. Comparable facilities improvements simply are not feasible with the limited economic base of WSCO's current tiny community of license. Significantly, the proposed move would not deprive anyone of their only broadcast service, and would result in a gray area with a population of fewer than 800 persons. An area in which only

³ Currently, WVCY is operating the station with a low power transmitter pursuant to Special Temporary Authorization.

two services would be available would also be created. This area, however, would contain approximately 140 persons.

WVCY respectfully submits that the proposed change, by providing Appleton with its second television station and allowing WSCO to upgrade its facilities, thereby ensuring the economic viability of the station, would serve the Commission's allotment priorities better than the current allotment. Accordingly, WVCY respectfully requests that Section 73.606(b) of the Commission's Rules be amended in the following manner:

<u>Community</u>	<u>Existing</u>	<u>Proposed</u>
Suring, WI	Channel 14	---
Appleton, WI	Channel 32+	Channel 14 Channel 32+

Respectfully submitted,

WISCONSIN VOICE OF
CHRISTIAN YOUTH, INC.

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Its Attorneys

July 12, 1989

Exhibit A

ORIGINAL

EVANS ASSOCIATES
Consulting Engineers

ENGINEERING EXHIBIT

A REQUEST FOR CHANGE IN
CITY OF LICENSE

WISCONSIN VOICE OF CHRISTIAN YOUTH INC.
WSCO-TV (CHANNEL 14)
SURING, WISCONSIN

MAY 1989

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ENGINEERING STATEMENT

This engineering statement and the attached figures, have been prepared by Ralph E. Evans P.E., of Evans Associates, Consulting Engineers in Thiensville, Wisconsin, on behalf of Wisconsin Voice of Christian Youth Inc., licensee of TV Station WSCO in Suring, Wisconsin.

WSCO operates on Channel 14 with 200 KW visual at 190 meters above average terrain in Suring, Wisconsin.

Evans Associates has been retained by WSCO to conduct an engineering study to determine the feasibility of changing the city of license from Suring, Wisconsin to Appleton, Wisconsin.

Suring, population 581, is located in Oconto County, Wisconsin in a rather sparsely populated area of northern Wisconsin. The total population of Oconto County is 28,947 (1980 Census). The population of Appleton is 56,780. Appleton is located in Outagamie and Winnebago Counties which have a combined population of 260,502 persons (1980 Census).

As a result of an allocation study conducted by this office, it has been determined that TV Channel 14 can be assigned to Appleton if the transmitter site is located near Seymour, Wisconsin (see Figure 3 attached). The coordinates assumed for operation of the proposed facility are:

44°-29'-00"; 88°-22'-30"

From this location, it is 25 kilometers to Appleton. Since the 80 dB contour can be expected to extend a nominal 29 kilometers, full coverage over Appleton is assumed. For the purposes of this study, a facility of 1000 KW ERP at 290 meters was assumed.

The presently licensed WSCO facility at Suring serves an area of 8,302 square kilometers in which 99,650 persons reside (within the 64 dB contour). If the present facilities (200 KW ERP at 190 meters) were moved to the assumed site near Seymour, the 64 dB contour would encompass 8,712 square kilometers and serve 515,679 persons.

Engineering Statement - WSCO-TV, Suring, WI

If the WSCO facilities were improved at the present site, a directional antenna would have to be utilized in order to reach the areas of concentrated population. Figure 2, attached, shows a study made by this office for a facility of 1000 KW ERP at 290 meters HAAT at the present site, with a directional antenna.

With those facilities, only a Grade B contour would be placed over Green Bay, a city of 87,899 population and a very marginal signal (considerably less than Grade B) over the populous Fox River Valley cities of Appleton, Neenah-Menasha and Oshkosh. This facility would place the 64 dB contour over an area of 9,782 square kilometers where 275,275 persons reside.

If the same facility were placed at the assumed site near Seymour, and a non-directional antenna employed, the 64 dB contour would encompass 15,140 square kilometers and serve 662,390 persons (see Figure 1, attached).

Operation from the assumed site with 1000 KW at 290 meters HAAT would result in a loss of WSCO service to an area of 3,745 square kilometers in which 18,516 persons reside. A services study (see Figure 1) shows that one gray area would result, and one other in which only two TV services would be available. The gray area contains 389 square kilometers and has a population of 776 persons. The two service areas is 113 square kilometers and contains 140 persons. There is no cable in these areas, but it can be assumed that some of the residents receive services by using high antennas or satellite dishes. Because of the availability of other services in the lost area, including satellite, it is believed that the effect of the proposed WSCO move would be very minimal.

Accordingly, it is respectfully requested that Section 73.606 of the FCC Rules and Regulations be amended in the following manner:

<u>Community</u>	<u>Existing</u>	<u>Proposed</u>
Suring, WI	Channel 14	---
Appleton, WI	---	Channel 14

Engineering Statement - WSCO, Suring, WI

ATTACHED FIGURES

Figure 1 ----- Map Showing Present and Proposed Contours
and Area Lost

Figure 2 ----- Map Showing Present and Proposed Contours
at Present Site

Figure 3 ----- Map Showing Site Area

Figure 4 ----- List of Other TV Services in Lost Area

Figure 5 ----- Allocation Study

A F F I D A V I T

COUNTY OF OZAUKEE)
) SS:
STATE OF WISCONSIN)

RALPH E. EVANS, P.E., being duly sworn upon oath deposes and says:

That his qualifications are a matter of record with the Federal Communications Commission;

That he is a registered professional engineer in Wisconsin, and is a partner in the firm of Evans Associates;

That this firm has been retained by Wisconsin Voice of Christian Youth Inc. to prepare this engineering exhibit;

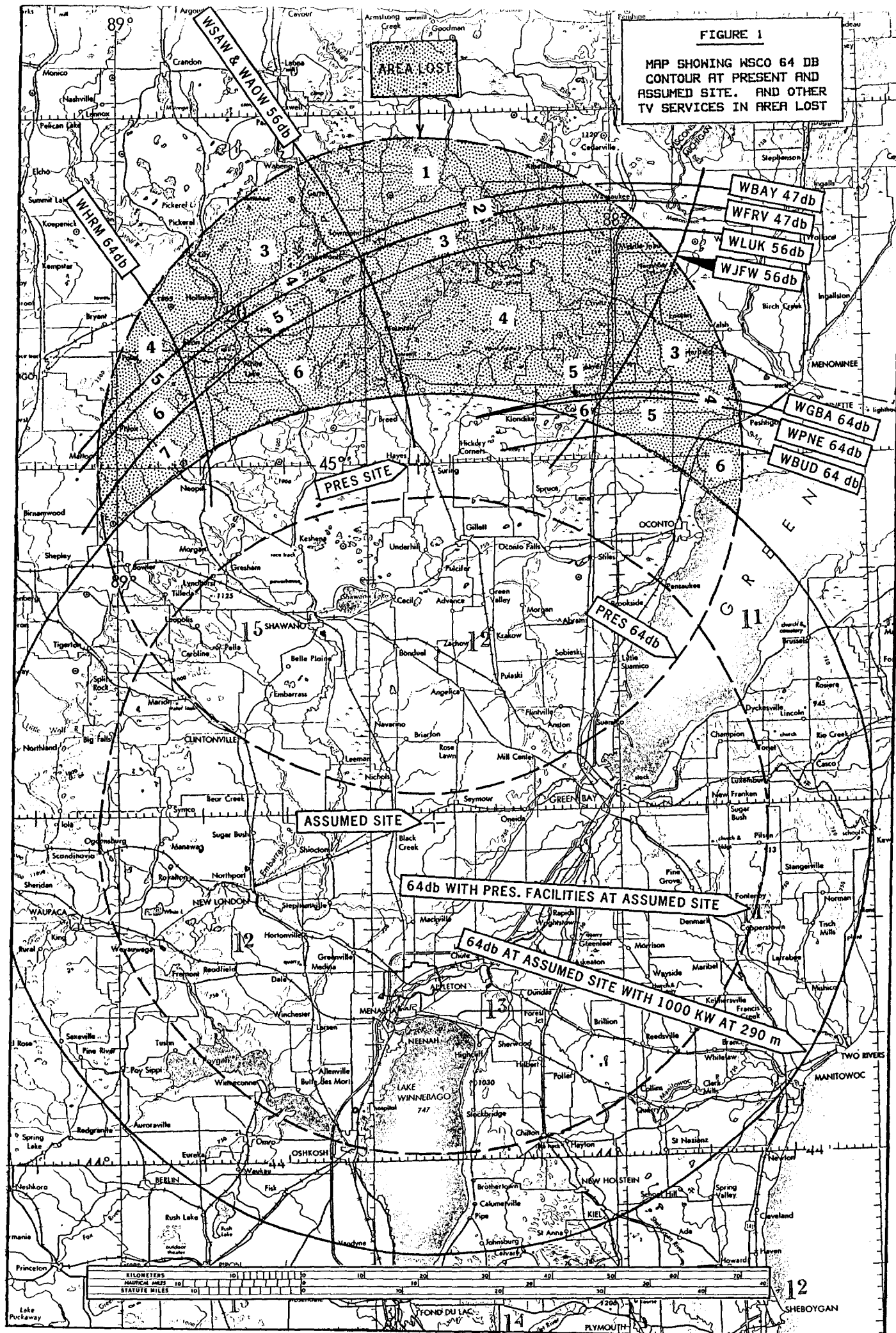
That he has either prepared or directly supervised the preparation of all technical information contained in this engineering exhibit, and that the facts stated in this engineering statement are true of his knowledge except as to such statements as are herein stated to be on information and belief and as to such statements he believes them to be true.

Ralph E. Evans
Ralph E. Evans, P.E.

Subscribed and sworn to before me this 2nd day of May, 1989.

Patricia Hagner
Notary Public

My Commission expires May 20, 1990.



GREEN BAY

SECTIONAL AERONAUTICAL CHART
SCALE 1:500,000

FIGURE 2

MAP SHOWING PRESENT
AND PROPOSED WSCO CONTOURS
AT PRESENT SITE

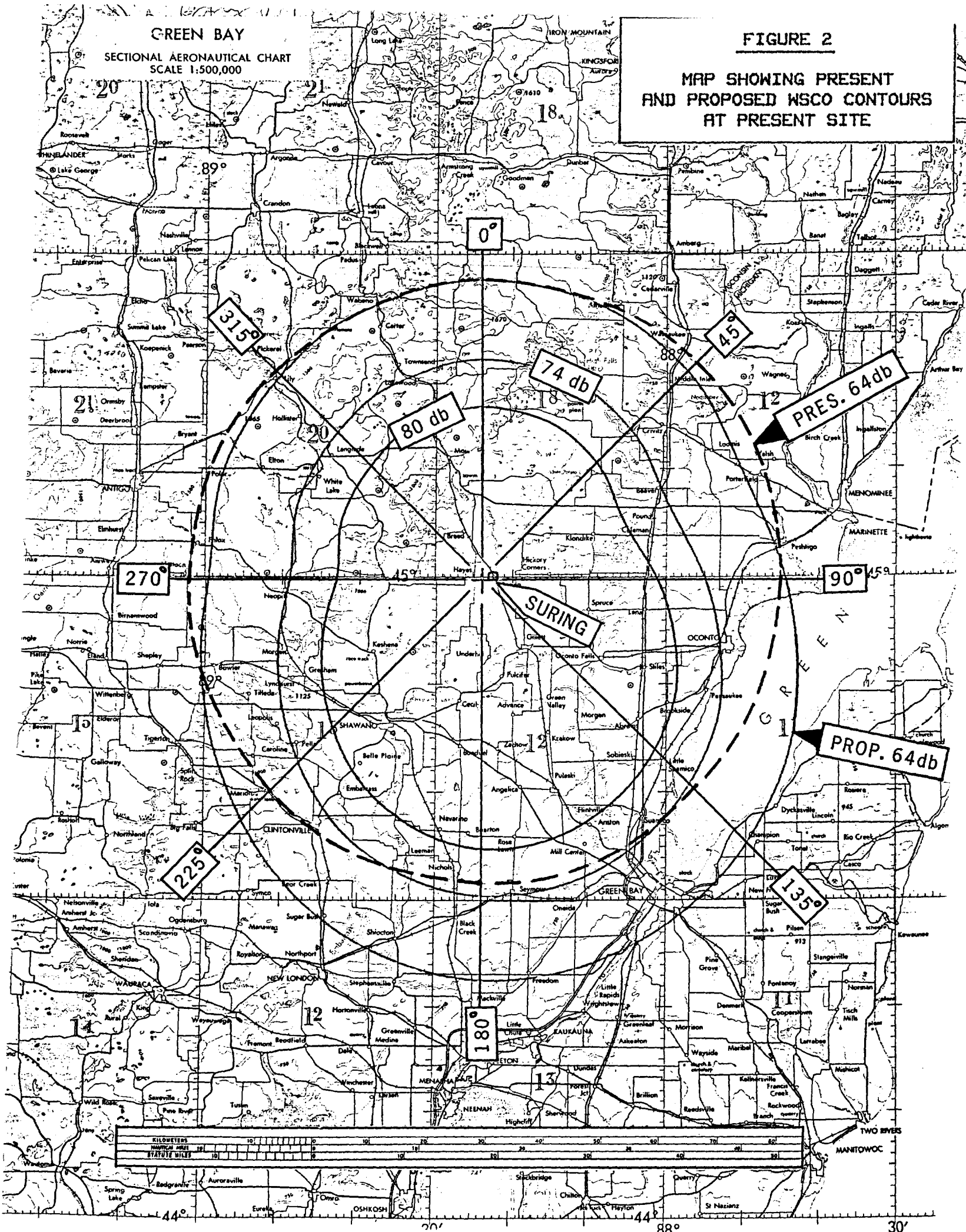


FIGURE 3

ALLOCATION STUDY
FOR WSCO
CH 14 SURING, WI

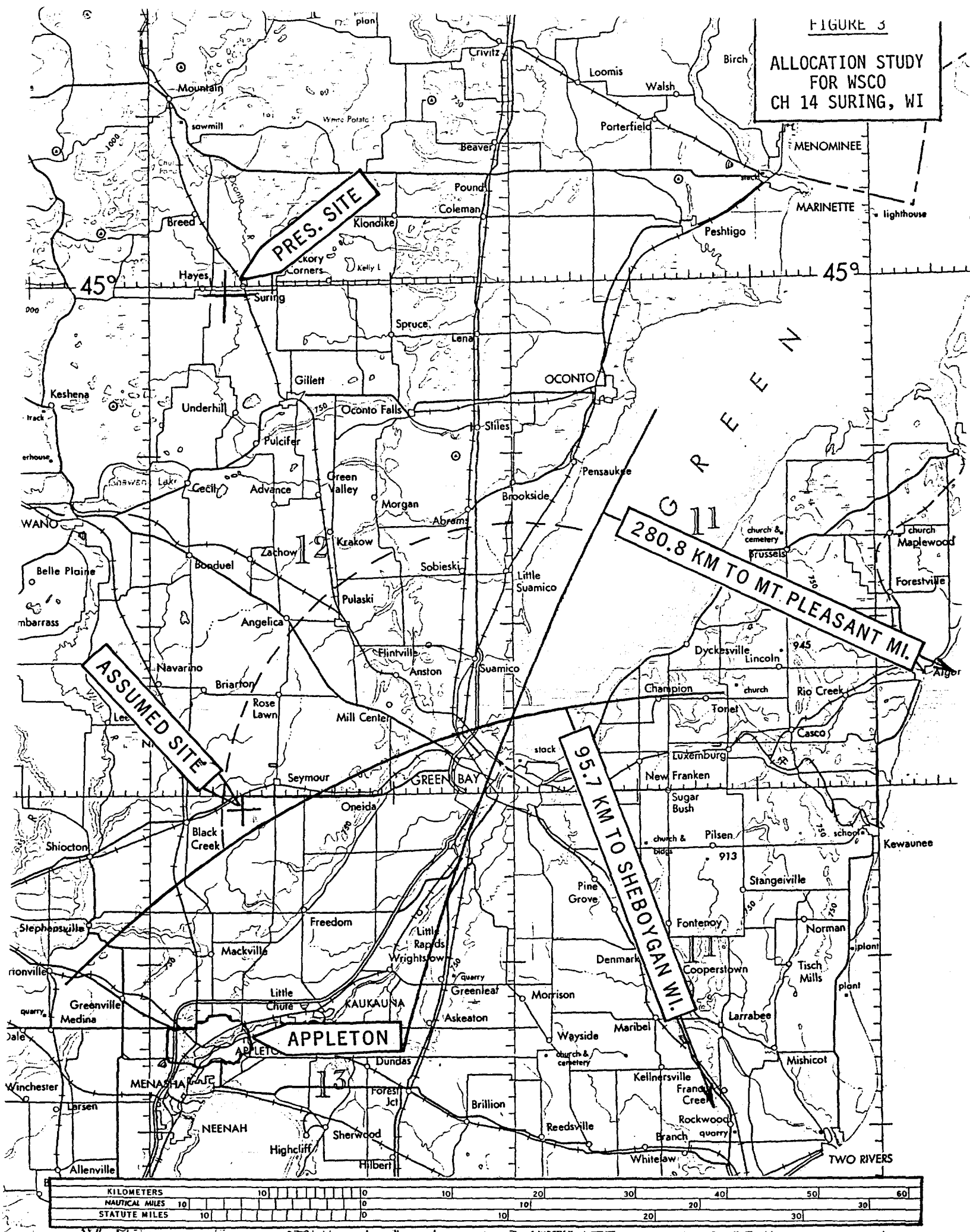


FIGURE 4

OTHER TV SERVICES IN "LOST" AREA

WBAY	Channel 2	Green Bay, WI
WFRV	Channel 5	Green Bay, WI
WLUK	Channel 11	Green Bay, WI
WGBA	Channel 26	Green Bay, WI
WPNE	Channel 38	Green Bay, WI (Educational)
WBUO	Channel 32	Appleton, WI
WSAW	Channel 7	Wausau, WI
WAOW	Channel 9	Wausau, WI
WHRM	Channel 20	Wausau, WI (Educational)
WJFW	Channel 12	Rhineland